

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AGILITI HEALTH, INC.,

Plaintiff,

v.

STEWARD HEALTH CARE SYSTEM
LLC,

Defendant.

Case No.: 3:24-cv-00065-K

**JOINT MOTION TO EXTEND JURISDICTIONAL BRIEFING DEADLINE AND
DEADLINE FOR DEFENDANT TO PROVIDE MEMBERSHIP INFORMATION**

On February 29, 2024, the Court entered an order granting the Joint Motion of plaintiff Agiliti Health, Inc. (“Agiliti”) and defendant Steward Health Care System LLC (“Steward”). Dkt. No. 25. The Court set a deadline of April 12, 2024, for Steward to inform Agiliti of the names and states of citizenship of each of its members through every organizational layer. *Id.* The Court also granted the parties’ request to extend Agiliti’s jurisdictional briefing deadline, which was previously set for March 8, 2024, Dkt. No. 22, until April 19, 2024. *Ibid.*

On April 17, 2024, the Court granted a second Joint Motion extending Steward’s deadline to disclose its membership information until April 30, 2024, and extending Agiliti’s jurisdictional briefing deadline to May 7, 2024. *See*, Dkt. No. 28.

Since the Court granted these extensions, the parties have made enormous progress in settling the case. However, their business relationship involves complex accounting issues with thousands of invoices having been issued by Agiliti and its affiliates, including many after this case was filed. In addition, rental equipment is being returned from multiple Steward hospitals in multiple states that has to be inspected by Agiliti before final reconciliations can occur. This

involves significant logistical complexities and coordination.

The parties agree that Steward has acted in good faith in making payments of several million dollars to Agiliti. That said, because of the number of hospitals involved, the need to return and inspect equipment, and the existence of issues that arose after Agiliti's original complaint was filed, the accounting issues are extraordinarily complex. However, the parties hope to be in agreement concerning all outstanding issues by May 15, 2024, in which case Agiliti intends to dismiss this case without prejudice or, alternatively, enter into a formal settlement with Steward.

On March 18, 2024, the parties filed their proposal for the contents of the scheduling and discovery order. *See*, Dkt. No. 26. Nothing in that proposed schedule needs to be changed, except in the Court's discretion.

Since the parties believe they are close to resolving the case, they respectfully request what is expected to be a final extension of the deadlines in the Court's April 17, 2024, Order. Specifically, the parties jointly respectfully request the entry of an Order, substantially in the form of the attached proposed order, extending Agiliti's time to file its jurisdictional brief to May 29, 2024, and requiring Steward to inform Agiliti in writing of the names and states of citizenship of each of its members through every organizational lawyer by May 16, 2024.¹ The parties do not seek these extensions for purposes of delay but rather to minimize the resources used and to allow them to focus on settlement.

It is respectfully submitted that, in light of the parties' settlement discussions, good cause exists to grant this motion.

¹ The Court previously ordered Steward to file an amended certificate of interested persons/disclosure statement "within 7 days" of Agiliti's jurisdictional briefing. Steward's amended certificate would therefore be due by June 5, 2024, if the Court grants this Joint Motion.

Respectfully submitted this 30th day of April 2024.

COWLES & THOMPSON, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2024, I electronically filed the above document using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

/s/ David M. Mannion
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